

REMARKS

CLAIM REJECTIONS UNDER 35 USC §103

With respect to the PTO's argument that claim is unpatentable over Humphrey or Kuperstein in view of

5 Humphrey as applied by the Examiner to claim 1 and further in view of Lynch. Applicant argued in the February 28th amendment that claim 1 was patentable over any combination of Humphrey and/or Kuperstein, because neither one of these two references discloses a flexible

10 probe. Accordingly, as Lynch is only used by the Examiner for its disclosure of the use of polyether sulphone, the same argument holds for claim 4, which is necessarily more narrow than claim 1 and is accordingly, patentable if claim 1 is patentable. Similarly, with respect to

15 claims 5 and 7, they are patentable because they depend on claim 1, which is patentable. Hoffman is used by the Examiner only for its recitation of materials, not to negative the patentability of claim 1.

In response to the Examiner's comments

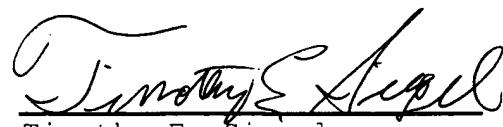
20 regarding the Declaration under 37 CFR 1.131, submitted herewith is a new Declaration, together with exhibit sheets.

It is respectfully submitted that the claims are now in condition for allowance. Reconsideration and

25 early notice of allowance are respectfully solicited.

Respectfully submitted,

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Signed: Daniel M. Savage Date: 05/03/2005

20 Daniel M. Savage